

<p style="text-align: center;">STATE OF VERMONT AGENCY OF HUMAN SERVICES DEPARTMENT OF CORRECTIONS</p>	<p>Title: Housing of Individuals Under 18</p>	<p style="text-align: right;">Page 1 of 8</p>
<p>Chapter: Facilities- General</p>	<p style="text-align: center;">#326.01</p>	<p>Supersedes: 326.01 (Dated 1/20/1992)</p>
<p>Attachments, Forms & Companion Documents:</p> <p>1. All forms and guidance documents are posted on the Department of Corrections' website.</p>		
<p>Local Procedure(s) Required: Yes - for establishment of written facility rules only and safekeeping of CI statements and DR recordings. (See Section 11 also.)</p> <p>Applicability: All staff (including contractors and volunteers)</p> <p>Security Level: "B" – Anyone may have access to this document.</p>		
<p>2/4/2015 PDU reviewed</p>		

PURPOSE

This directive outlines special and necessary procedures for the housing the inmate population who are under the age of eighteen. This procedure establishes appropriate placement for individuals who are under the age of 18 charged with adult crimes and are placed within the custody of the Vermont Department of Corrections (DOC).

POLICY

The Vermont Department of Corrections Policy is to house individuals under the age of 18 in a manner that is safe and consistent with state and federal laws.

No individual under the age of 16 will be housed within a Department of Corrections facility.

AUTHORITY

33 VSA, Section 5293; 33 VSA, Section 708 (b), (g); 28 VSA, Section 759 (b) and Section 808; 13 VSA, Section 7559 (d) and (c).

42 U.S.C. §147 (2003); 28 C.F.R §115 (2012).

REFERENCE

See Section on Authority, Guidelines promulgated by Federal office of Juvenile Justice and Delinquency Prevention.

DEFINITIONS

Booking: A process of admitting or discharging an individual from DOC custody.

Conditions of Release: court-ordered terms of conduct with which a person accused of a crime must comply as a condition of his release from incarceration prior to trial.

1 Felony: any offense whose maximum term of imprisonment is more than two years or life.¹

2 Misdemeanor: any offense whose maximum term of imprisonment is less than two years.²

3 Mittimuses: a court order committing a person to the custody of the Department of Corrections.

4 Juvenile Inmate: Any inmate who is under the age of 18 years old is considered a juvenile inmate
5 until they reach the age of 18.

6 7 **PROCEDURAL GUIDELINES**

8 9 1. Detained Under the Age of 18 Year Old Misdemeanants

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11 a. A minor, under the age of 18, who has been arrested for a misdemeanor shall
12 immediately be released to his or her parent, guardian, or custodian or be delivered to
13 district court. A minor shall never be taken to another location prior to being release
14 to his or her parent, guardian, or custodian, or being delivered to district court.
- 15 b. If the minor is delivered to district court, the arresting officer shall immediately file
16 written notice with the court. Alongside the written notice the arresting officer shall
17 include a statement of the reason for taking the minor into custody.
- 18 c. A minor eligible for release under 13 V.S.A. §229 shall be released.
- 19 d. In the event that a minor is not released the minor shall not be detained in a facility for
20 adult offenders.
- 21 e. The arresting officer will have obtained a mittimus ordering detention from the court,
22 or, state in his/her affidavit, the court has been contacted and that detention has been
23 ordered.
- 24 f. DOC is responsible for providing detention services for individuals under 18 years of
25 age who have been so ordered by the district court.
- 26 g. DOC will contact the Department of Children and Families (DCF) in accordance with
27 current Memorandum Of Understanding (MOU) to determine if placement at the
28 Woodside Juvenile Rehabilitation Center (Woodside) is appropriate. If it is
29 determined that placement at Woodside is not appropriate, DOC will require
30 cooperation between field and facilities sites to find appropriate placement. Staff from
31 Probation & Parole, as well as staff from facilities may be involved in providing
32 appropriate housing.
- 33 h. An individual under 18 years old, alleged to have violated conditions of release shall
34 not be held in an adult correctional facility if arrested for this offense.³
- 35 i. Individuals under the age of 18 arrested on arrest warrants for misdemeanor offenses
36 shall be processed as relating to non-jail placement.

37 38 **2. Timing and Intake**

- 39
40 a. Provision Of Detention Services During Business Hours

¹ 13 V.S.A. § 1.

² 13 V.S.A. § 1.

³ Violating conditions of release is a misdemeanor as outlined by 13 V.S.A. §7559 (d-e). Any following criminal contempt proceeding would dictate that anyone under the age of 18 years of age shall not be held in adult correctional facilities or lockups even though the original charge is a felony.

- i. During business hours, 7:45 AM-4:30 PM, District Managers shall instruct police and district courts that the point of intake for the detained juvenile will be the Probation and Parole offices in St. Johnsbury, Barre, White River Jct., Brattleboro, Rutland, Burlington and St. Albans.
 - ii. District Managers shall provide procedures for “booking” a juvenile on detention. Such procedures shall include but not be limited to finger prints, pictures, ID face sheet, suicide probability scale, determination of medical and diet needs and other issues covered in detention intake at the facility. Booking Procedures shall ensure that the juvenile does not enter the facility. Booking slips shall note that the person is a minor or juvenile and placement is in an alternative setting.⁴
 - iii. While the juvenile is detained at the Probation and Parole office two DOC staff will provide supervision. One of the staff must be Correctional Officer II, Community Correctional Officer, a Correctional Services Specialist, or Corrections Program Supervisor. Security staff shall be in charge of the detention. Supervision over the juvenile means staying close enough to control the juvenile's actions by laying hands on if that becomes necessary.
 - iv. Medical emergencies shall be handled through local rescue squads.
 - v. District Managers shall ensure that procedures for phone use, visiting, and others issues germane to the business of providing alternative detention are promulgated in their respective regions.
- b. Provision Of Detention Services After Business Hours And On Weekends
- i. District Managers shall instruct police and district courts to contact the nearest correctional facility, with the exception of the Windsor Correction Facility, or such other contact office as may be appropriate when there is a court order for detention of an individual under the age of 18 charged with a misdemeanor offense after business hours and on weekends. After business hours will be 4:30 PM- 7:45 AM the next day Monday through Thursday. The weekend hours will begin at 4:30 PM on Friday.
 - ii. District Managers shall ensure that the police or district court are given directions/instructions as where to bring the juvenile.
 - iii. The police officer will have obtained a mittimus ordering detention from the court or, state in his/her affidavit that the court has been contacted and detention has been ordered.

3. Alternative Placement

- a. DOC-DCF Interdepartmental Agreement.
 - i. In the case when a detained under 18 year old is placed using the DOC-DCF Interdepartmental Agreement, DOC staff are to follow the procedure outlined for accessing Woodside and 204 Depot for Youth Under 18.⁵
- b. Motel/Hotel Detention

⁴ Alternative settings include but are not limited to Woodside Juvenile Facility, 206 Depot, furlough, etc.

⁵ This document is available as companion document on the DOC website.

- i. A juvenile may be detained in a hotel/motel setting. Supervision shall follow apartment procedures.
- ii. District Managers shall ensure that procedures are in place to cover motel placement.

4. Detained Under 18 Year Old: Probation Or Parole Violation Alleged.

- a. Procedures outlined under Detained under 18 year old misdemeanants shall be followed provided detention is needed pending probation or parole violation hearing. The court or Parole Board shall be involved and order detention pending hearing. Non-jail detention can occur provided the alleged violation is technical in nature or the new offense is a misdemeanor. If the alleged new offense is a felony the normal citing, bail setting, and possible jail placement can occur with the felony as the controlling charge. The juvenile may be held in jail on the probation violation, provided bail has not been furnished on the felony allegation. Should bail be furnished on the felony charge, the juvenile must be immediately removed from jail on the misdemeanor probation case.
- b. Under no circumstances can an individual under the age of 18 be held in correctional facilities and or lockups when the probation violation concerns a misdemeanor case and there is an absence of a felony charge.

5. Sentenced Inmates Under 18 Years Of Age Misdemeanants

- a. Sentenced inmates under the age of 18 year old who are misdemeanor juvenile shall be placed on furlough to either their home, or another suitable furlough location, unless the presenting behavior demonstrates an immediate threat to public safety.
- b. Juvenile convicted of misdemeanor crimes and ordered to serve a period of incarceration shall not be placed in a facility for adult offenders.
- c. Sentenced juvenile may be placed on furlough and furloughed to:
 - i. The home of a parent, guardian, custodian, or other responsible adult.
 - ii. 206 Depot St., Bennington, VT.⁶

6. Juvenile Sentenced Under 18 Year Old Misdemeanant Probation Or Parole Violators

- a. Procedures for placement in non-jail settings outlined under sentenced misdemeanants shall be followed in probation or parole violation cases.

7. Under 18 Year Old Felons

- a. Under 18 Year Old Felons who are detained:
 - i. Individuals who have been arrested for a felony may be lodged in adult jails and lockups. In order to lodge said individual one of the following criteria must be met:

⁶ If youth is furloughed to 206 Depot St., Bennington, VT then staff shall follow the specific procedure outlined under detention within this directive.

1. A felony charge been filed in district court
 2. The district court has exercised jurisdiction over the matter and the state's attorney has determined that a felony charge will be filed without delay.
 3. The court will have exercised jurisdiction over the matter during the bail setting procedure.
- ii. DOC is responsible for confirming one of the criteria listed under 7(a)(i) is met. Law enforcement officers will indicate such information on the affidavit that the State's Attorney will file a felony charge.
 - iii. Individuals who are on probation or parole as a result of conviction for a felony may be placed in adult facilities due to alleged probation or parole violation. In situations where the violation is an alleged new offense and the new offense is a misdemeanor the juvenile may be held in adult correctional facilities and lockups provided he/she is incarcerated on the felony.
- b. Sentenced Under 18 Year Old Felons
 - i. Individuals who have been convicted of a felony and sentenced to a term of imprisonment may be placed in a facility for adult offenders.

8. Housing of Inmate's Under 18 Years of Age

- a. A Juvenile inmate shall not be placed in a housing unit in which the Juvenile inmate will have sight, sound, or physical contact with any adult inmate through the use of a shared dayroom or other common space, shower area, or sleeping quarters.⁷
- b. In areas outside of housing units, DOC shall either:⁸
 - i. Maintain sight and sound separation between Juvenile inmates and adult inmates, or
 - ii. Provide direct staff supervision when Juvenile inmates and adult inmates have sight, sound, or physical contact.
- c. DOC shall make best efforts to avoid placing Juvenile inmates in isolation to comply with provisions 8 (a-b). Absent exigent circumstances, DOC shall not deny Juvenile inmates daily large-muscle exercise any legally required special education services to comply with this provision. Juvenile inmates shall also have access to other programs and work opportunities to the extent possible.⁹

9. Transfers

- a. Where it is appropriate to move a Juvenile to another area or district the process can be accomplished by transfer between Probation and Parole offices, or from facility head count to the headcount of the receiving facility, or Probation and Parole offices for supervision in the receiving site. Booking slips shall reflect the fact the transaction concerns a minor or juvenile misdemeanant and alternative placement is needed.

⁷ 28 C.F.R. §115(a)

⁸ 28 C.F.R. §115.14(b)

⁹ 28 C.F.R. §115.14(c)

1 **10. Incapacitated Under 18 Year Olds**

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- 3 a. Adult jails or lockups shall not be used for the protective custody of anyone under the
- 4 age of 18 years old.

5 **TRAINING**

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7 **QUALITY ASSURANCE**

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Procedure to Access Woodside and 204 Depot for Youth Under 18

**Agency of Human Services
Department for Children and Families**

To: Facility Superintendents, Field District Managers, DCF-FSD Directors
From: Marion Paris, Residential Services Manager and Cullen Bullard, Director of
Classification and Facility Designation
Date: September 18, 2014

Procedure

1. Call from law enforcement or judicial system requesting admission to the Correctional facility
2. Superintendent or his designee will contact DCF-FSD Residential Services Manager or designee to discuss admission options.
3. Residential Services Manager advises re: availability of Woodside and 204 Depot. If a DCF-FSD bed is not available, DOC facility must arrange for alternative housing – e.g. staffed hotel room.
4. The Residential Services Manager or designee will review the information listed below with the Woodside or 204 Depot Director to determine if the youth is appropriate for admission to either facility. They will take into account the current population in the facility. Upon completion of this review, the Residential Services Manager or designee will contact the Facility Superintendent with the decision.
 - a. The following documents must be delivered upon or prior to placement:
 1. List of all charges in the DOC record
 2. Affidavits on the current charge(s)
 3. DOC movement history, if any
 4. DOC supervision history, if any
 5. Initial Needs Survey (if on record)
 6. ID Face Sheet (if on record)
 7. Other available documents such as psychological and/or risk assessments, medical information, etc. if available
5. If accepted for placement at Woodside, the juvenile will be placed on the Chittenden Regional Correctional Facility (CRCF) headcount; Misdemeanor Juvenile will be placed on originating county's Probation and Parole offices headcount but will be managed by the Chittenden Regional Correctional Facility (CRCF) caseworker for Woodside placements and Bennington P & P headcount for 204 Depot placements. Residential Service Manager or

designee will request that court paperwork including mittimus and bail should be faxed to CRCF or Bennington P&P as appropriate and DCF-FSD Central for all placements. For CRCF, direct contact must occur with Corrections Service Specialist (CSS) or designee during normal business hours or Shift Supervisor for all other times.

6. Placement continues at the program until discharge. Coordination of the discharge and discharge plan is a joint effort between facility, program, probation manager, and residential services manager or designee.

General Notes:

- No juvenile under 16 may ever be housed in a correctional facility.
- Assistance to DOC is available after hours through the DCF-FSD Emergency Services Programs (ESP). Call ESP if necessary and they will contact the Residential Service Manager or designee to assist in the completion of the procedure outlined above.

Telephone Numbers:

- **After Hours Placement: ESP** 1-800-649-5285
- **Residential Services Manager**–Marion Paris – 802-769-6339 (Office), 802-279-6106 (Cell)
- **Client Placement Specialist**- Melanie D’Amico–802-769-6344 (Office) , 802-793-2416 (Cell)
- **204 Depot** - 802-442-2550
- **Woodside** – 802-655-4990
- **Tyler Bixler CCSS CRCF** - 802-859-3215
- **Ed Adams Superintendent CRCF** – 802-859-3207
- **CRCF Main Line** – 802-863-7356 Fax-802- 859-3229
- **CRCF Control Room** (for after hours) – 802-859-3203
- **Cullen Bullard** – 802-951-5078 (Office), 802-535-4202 (Cell)
- **David Miner** – Bennington P&P District Manager – 802-447-6441
- **Deb Thibault** – Burlington P&P District Manager – 802 863-7454

cc:

Chittenden Regional Correctional Facility Superintendent, DOC
Craig Mann, 204 Depot
Dianne Jabar, ESP
Jay Simons, Woodside Director
Melanie D’Amico, DCF-FSD
Dale Crook, DOC
Karen Crowley, DCF-FSD
David Miner, DOC
Cheryle Bilodeau, DCF-FSD